



**Skills
Funding
Agency**

Outcome of Judicial Review Jobcentre Plus Referrals

August 2012

Of interest to Colleges and Training Organisations
and National Careers Service Contractors

Judicial Review Outcome – Skills referrals from Jobcentre Plus to continue as normal

A Judicial Review case was brought against the Department for Work and Pensions by claimants referred from Jobcentre Plus to training provision. Two benefit claimants, one of whom had participated in a sector-based work academy, and another who had been mandated to the Community Action Programme, were granted permission to seek a Judicial Review to challenge the validity of the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011, which underpin these schemes.

Colleges and training organisations and National Careers Service advisers may be aware that the Department for Work and Pensions (DWP) won the Judicial Review brought against the Department on three of the four counts. The judge ruled that there was no breach of the Employment, Skills and Enterprise Scheme Article 4 (slavery); that the DWP was within its powers to refer claimants to the schemes; and that the DWP had published enough detail about the policy.

The judge did rule that the Department did not provide sufficient notification to one of the claimants on the impact of not attending the Community Action Programme. Whilst the DWP appeals against this point, some immediate minor changes are necessary to ensure the requirements set out in the judgement are met. As a result, the DWP has written to all claimants on the schemes affected by the judgement and is amending the letters used to refer claimants to explain in more detail the possible benefit sanctions that could apply if claimants fail to comply with the requirements of the scheme.

Colleges and training organisations and National Careers Service advisers should note that referrals to an initial interview, skills training or to the National Careers Service will continue as normal. Colleges, training organisations and National Careers Service advisers should continue to work with Jobcentre Plus, employers and other partners on the delivery of initial interviews, skills training or careers advice that will help individuals move into sustainable employment.

The DWP and the Agency have compiled the following list of Questions and Answers:

What happens if an existing claimant referred to an Agency-funded college or training organisation or National Careers Service adviser states that they have heard of the Judicial Review and as a result will no longer participate?

Colleges and training organisations and National Careers Service advisers should inform the claimant that the DWP will send out shortly a revised notification letter, which will provide clarification about the consequences of not participating. In the meantime, claimants should contact their local Jobcentre Plus if they need further clarification.

What about individuals who have already been sanctioned?

The DWP will not be taking any action at this stage in relation to people who have already been sanctioned.

What about sanctions / referrals still under decision?

As with any Judicial Review, once there is a decision from the judge this becomes law. The DWP will defer any outstanding sanction decisions until the appeal has been heard.

While the outcome of the appeal is pending, the DWP will only sanction decisions relating to a claimant's participation on any of the schemes where the claimant's failure to participate occurred after they have received a letter detailing the sanction consequences.

Will Agency-funded colleges and training organisations and National Careers Service advisers continue to receive referrals to initial interviews, training provision or careers advice?

Yes. Referrals will continue to be made to all schemes. The DWP is revising letters immediately and will clarify the position to existing claimants impacted by the decision.

Are Agency-funded colleges and training organisations and National Careers Service advisers expected to continue to deliver initial interviews, skills provision or careers advice?

Yes. Agency-funded colleges and training organisations and National Careers Service advisers should continue to work with Jobcentre Plus, employers and other partners on the delivery of initial interviews, skills training or careers advice.

How should Agency-funded colleges and training organisations and National Careers Service advisers respond to participants if they ask about the review or their amended letter?

Participants should be advised to raise any questions with their Jobcentre Plus adviser on their next visit or through the contact details provided in their letter.

What Jobcentre Plus schemes are affected by the Outcome of the Judicial Review?

The schemes affected are:

- Work Programme
- sector-based work academies
- Community Action Programme
- Skills conditionality / full-time training flexibilities for Jobseeker Allowance claimants
- New Enterprise Allowance

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